

Introduced by Senator HollingsworthFebruary 23, 2006

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article VI thereof, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SCA 27, as introduced, Hollingsworth. The Supreme Court: jurisdiction: initiatives and constitutional amendments.

The California Constitution provides that the Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The Constitution also provides that the appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition directed to the superior court in causes subject to its appellate jurisdiction. Superior courts have original jurisdiction in all other causes.

This measure would provide that the Supreme Court has exclusive original jurisdiction in any civil action in which the validity of any initiative or referendum measure, initiative amendment, general obligation bond act, other ballot measure, or constitutional amendment or revision approved by the voters at a statewide election is challenged.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2005-06 Regular
3 Session commencing on the sixth day of December 2004,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:

7 That Section 10 of Article VI thereof is amended to read:

8 SEC. 10. (a) The Supreme Court, courts of appeal, superior
9 courts, and their judges have original jurisdiction in habeas
10 corpus proceedings. Those courts also have original jurisdiction
11 in proceedings for extraordinary relief in the nature of
12 mandamus, certiorari, and prohibition. The appellate division of
13 the superior court has original jurisdiction in proceedings for
14 extraordinary relief in the nature of mandamus, certiorari, and
15 prohibition directed to the superior court in causes subject to its
16 appellate jurisdiction.

17 (b) *The Supreme Court has exclusive original jurisdiction in*
18 *any civil action in which the validity of any initiative or*
19 *referendum measure, initiative amendment, general obligation*
20 *bond act, other ballot measure, or constitutional amendment or*
21 *revision approved by the voters at a statewide election is*
22 *challenged.*

23 (c) Superior courts have original jurisdiction in all other
24 causes.

25 (d) The court may make any comment on the evidence and
26 the testimony and credibility of any witness as in its opinion is
27 necessary for the proper determination of the cause.